


The Paraplegic and Quadriplegic Association of SA Inc



Equal Opportunity Policy

Statement

The Paraplegic and Quadriplegic Association of South Australia Inc. (PQSA) is committed to ensuring that any person receiving our services or wishing to receive our services, and any person employed or seeking employment with us is treated fairly and equitably is are not subjected to any form of unlawful discrimination or harassment. PQSA has no tolerance for discrimination or harassment.

Approved by: 	Date: March 2020
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The Paraplegic and Quadriplegic Association of SA Inc.(PQSA) is incorporated under the *Association Incorporation Act 1985 (SA)* and conducts its business through operating Divisions, namely Lifestyle Support and HomeCare+.

Please note that printed copies are not able to be controlled and the Shared Drive should always be referred to for the most current version.

SCOPE

Compliance with this policy is a condition of appointment for all workers engaged to provide services on behalf of PQSA.

DEFINITIONS

Client – a person who receives services from any division of PQSA.

Discrimination – happens when a person, or a group of people, is treated less favourable than another person or group because of their background or certain person characteristics. This is known as ‘direct discrimination’. When an unreasonable rule or policy applies to everyone but has the effect of disadvantaging some people because of a personal characteristic they share. This is known as ‘indirect discrimination’

Duty of Care - a moral or legal obligation to ensure the safety or well-being of others.

Equal Opportunity - giving everyone the same opportunities regardless of individual characteristics or circumstances.

Equitable - free from unlawful discrimination and harassment for the protection of all staff; inclusive values empower all staff to achieve their full potential and remove actual or perceived barriers to participation regardless of gender, age, race, disability, orientation or economic background. Treating people equitably does not mean treating all people the same.

Incidents – an instance of something happening; an event or occurrence.

Must – indicates a mandatory action required by law, industrial instrument, or Association policy or procedure.

Manager – A person who is charged with the management or direction of PQSA and its divisions.

Merit based recruitment - recruiting people based on their skills and experience, regardless of their personal characteristics.

Race The term 'race' is understood to be flexible and evolving. It includes a person's nationality, country of birth, colour, ancestry, ethnic origin, or people associated with those of a particular race. The word 'race' is used in these procedures to reflect relevant legislation.

Reasonable – The appropriate standard or quality of objective decision-making that must be brought to bear when making an administrative decision.

Reporting – is an account or statement given either verbally or in writing with the specific intention of relaying information or recounting certain events in an objective manner.

Should – used to indicate obligation, duty, or correctness.

Unconscious bias - implicit assumptions and beliefs about particular groups of people that affect the way individuals in that group are perceived and judged, often in a negative way. Unconscious bias affects organisations in many areas, including through recruitment and interview processes, performance evaluation, and pay negotiation. It is difficult to change, because people are not often aware of bias, which is why unconscious bias training is valuable to help individuals learn how to decrease the impact of unconscious bias on their decision-making.

Worker - a person who carries out work in any capacity for a person conducting a business or undertaking. This includes work as an employee, contractor or subcontractor; an employee of a contractor or sub-contractor; an employee of a labour hire company; an outworker; apprentice or trainee; a student gaining work experience or volunteer.

RESPONSIBILITIES

Management is responsible for ensuring adherence to this policy.

Director, People and Culture, is responsible for the education and training of all staff on Equal Opportunity and assisting Management in implementing and reviewing the Equal Opportunity Policy.

Workers are responsible for ensuring equal opportunity principles are respected.

POLICY

PQSA recognises and supports the rights of clients to choose to receive support/services from individuals who meet their preferences – this is a key tenet of person-centred practice and client choice and control.

Nevertheless, PQSA will employ workers through a process of merit-based recruitment.

PQSA will apply the principles of equal employment opportunity (EEO) to all employment related decisions and treat all workers fairly and equitably regarding individual circumstances or attributes, as required by applicable legislation, including:

- Race
- Ethno-religious background
- Nationality, ethnic or national origin
- Gender
- Marital status
- Pregnancy
- Family or carer responsibilities
- Breast feeding
- Disability (physical, intellectual, psychiatric)

- HIV/AIDS status
- Political or religious conviction
- Age
- Sexual preference
- Transgender status
- Trade union activity
- Experience of domestic or family violence

These principles will be applied to situations including, but not limited to, the following:

- recruitment and selection
- promotion or temporary higher duties
- decisions on flexible work conditions, such as working hours
- supervision and discipline
- reimbursement or compensation
- access to professional development and training
- access to other benefits and opportunities

Staff training and awareness

All staff, particularly management, will participate in training on applying the principles of this policy to relevant organisational processes such as recruitment and performance management and review, and unconscious bias training. All workers will also be made aware of the legal requirements of EEO and how to ensure that they adhere to the EEO protections.

Anti-discrimination

In addition to the application of EEO in the workplace and in recruitment processes, all workers must ensure that the workplace and services offered by the organisation are free of any form of direct or indirect discrimination related to any of the individual circumstances or attributes listed above. This includes the following:

- Harassment: any form of behaviour that is not wanted, not asked for, and that humiliates someone, offends them or intimidates them.
- Vilification: any public act that is likely to incite hatred, serious contempt or severe ridicule for a person or a group of people.
- Victimisation: treating someone unfairly because they have made a complaint about discrimination or helped someone else make one.

Any worker who believes that they are subject to any form of discrimination outlined above or who are aware of discriminatory behaviour should follow the PQSA Complaint/Concern Management Policy and Procedure (Workers).

Workers (or prospective workers) may also seek assistance from an external body such as the Equal Opportunity Commission.

The Office of Commissioner of Equal Opportunity:

Phone	8207 1977
Country callers	1800 188 163
TTY - for hearing/speech impaired	8207 1911
Email	eoc@agd.sa.gov.au
Physical location	Level 15, GPO Exchange, 10 Franklin Street ADELAIDE

Exemptions from Anti-Discrimination legislation

South Australian equal opportunity law allows for some exceptions to the rules. There are a number of exemptions built into the *Equal Opportunity Act 1984 (SA)* that allow discrimination in specific areas and activities

If there is a need to establish a staff position targeted to a particular group not covered by the relevant legislated exemptions, PQSA may apply for an exemption.

Provision of Services

PQSA will provide services to clients and accept client referrals/requests using the principles of equal opportunity and non-discrimination outlined above.

RELATED LEGISLATION

- Age Discrimination Act 2004 (Cth)
- Disability Discrimination Act 1992 (SA)
- Disability Inclusion Act 2018 (SA)
- Equal Opportunity Act 1984 (SA)
- Federal Disability Services Act 1986
- Human Rights and Equal Opportunity Commission Act 1986 (Cth)
- National Standards for Disability Services
- Privacy Act 1998 (Cth)
- Public Interest Disclosure Act 2018 (SA)
- Racial Discrimination Act 1975 (Cth)
- Racial Vilification Act 1996 (SA)
- Sex Discrimination Act 1984 (Cth)
- Workplace Gender Equality Act 2012

SUPPORTING PQSA DOCUMENTATION

- Client Rights and Responsibilities Statement
- Complaints - Concern Management Policy and Procedures (Client Complaints)
- Complaints Management System Policy and related Procedures
- Employee Handbooks
- Managing Diversity in the Workplace Policy and Procedures
- Privacy – Private Information Management System Policy
- Recruitment Policy and Procedures

BREACHES OF THIS POLICY

A **breach** of this policy is grounds for disciplinary action, up to and including termination of employment. Ignorance of these procedures will not generally be accepted as an excuse for non-compliance. Only in extreme circumstances, and where such ignorance can be demonstrated to have occurred through no fault of the individual concerned, will PQSA accept such an argument.

DISTRIBUTION AND REVIEW

PQSA will ensure all persons engaged to provide services either paid or unpaid will be aware of this policy and will have easy access to it in an appropriate format. All policies are to be reviewed on a periodic basis or when legislation or government policy determines.